

**MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM**

**July 15, 2005
9:00 am**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:25 am.

Commission Members:

Present: Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray, and Mr. Mooney

Members Absent: Mr. Tarbell and Mr. Paddock

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Felix Bere, Steve Briggs, Rodney Ringer, Caroline Kellem and Jennifer Walke

Law Department:

Dotty Carmen, Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the July 1, 2005 Planning Commission meeting for approval

Motion:	Ms. McCray motioned approval of minutes with a correction to Item #5 reflecting that Caleb Faux voted Nay on this item.
Second:	Mr. Faux
Ayes:	Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

Submission of the minutes from the June 6, 2005 Planning Commission Special Meeting for approval

Motion:	Mr. Mooney motioned approval of minutes.
Second:	Ms. Hankner
Ayes:	Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

CONSENT ITEMS

Item #3 was moved from the Consent Items to the discussion Items.

ITEM #1 A report and recommendation on an emergency ordinance authorizing the sale of surplus City-owned property located at Feltz Court in Westwood.

ITEM #2 A report and recommendation on two permanent aerial easements over Gano Street between Main Street and Bodman Alley to Alice Henry, Inc. for the location of balconies, which aerial interests are not needed for any municipal purpose.

Motion: Ms. Mooney motioned approval of Consent Items 1 & 2.
Second: Ms. Hankner
Ayes: Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #3 A report and recommendation on an ordinance authorizing the sale of a portion of Boyce Alley adjacent to Auditor's parcel 94-5-55 which real property is no longer needed for any municipal purpose.

Caroline Kellam, Senior Planner presented this item.

BACKGROUND

Jeffrey Brandt, owner of 144 Mulberry Street petitioned the City to purchase a portion of Boyce Alley in Mt. Auburn in order to clean up the alley and keep it clean. A fair market value of \$500.00 was established for the property.

Steven M. Hoog, another abutting property owner, refused to consent to the sale. Therefore, a legal notice regarding this issue must be published in a newspaper of general circulation for six consecutive weeks prior to any final Council action.

RECOMMENDATION

The staff of the City Planning Division recommended that the City Planning Commission authorize the sale of a portion of Boyce Alley between Ural Alley and Mulberry Street, which real property is no longer needed for any municipal purpose.

DISCUSSION

Senior Planner Caroline Kellam pointed out to the Commission that the map provided in their mailed agenda packets was incorrect. She then provided the correct map. Mr. Michael Jackson of the City Real Estate Division informed Mr. Mooney that both property owners had equal rights to buy the alley. Dottie Carmen of the City Law Department informed Mr. Mooney that the purpose of the legal notice being published in the newspaper is to inform the public of the sale of the alley to Mr. Brandt.

Mr. Steven M. Hoog, the abutting property owner did not sign the consent for sale because he was concern about access to his property through the alley. He stated that Mr. Brandt had assured him that he would be able to access the alley. Mr. Hoog then consented to the sale.

Ms. Lemmie asked the law department for legal clarification concerning Mr. Hoog's rights. Ms. Carmen stated that legally the sale of Boyce Alley to Mr. Brandt does not infringe on Mr. Hoog's right to access through the alley and that legally the City could not cut off a property owner's access. Mr. Hoog would always be entitled to access Boyce Alley.

Caleb Faux requested that the minutes reflect that Mr. Hoog would always have a right to access through the alley.

Mr. Larry Rhodes abutting owner at 146 Mulberry stated that he felt he also had rights concerning the sale of Boyce Alley. He stated that he was never contacted or informed of the sale and he thought the reason for the Commission meeting was to discuss the property that has already been sold. He wanted to discuss his legal rights concerning the alley and the Commission informed him that he would need to speak with both the City Real Estate lawyers and the City Law Department lawyers concerning his legal rights.

Mr. Jeffery Brandt, owner of 144 Mulberry explained that he had taken on the responsibility to keep Boyce Alley clean, removing all types of trash and debris. He felt before he continues with the upkeep and whatever expenses to maintain Boyce Alley, he should purchase the alley.

Motion: Ms. McCray motioned approval of staff recommendation.
Second: Ms. Lemmie
Ayes: Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays: None, **motion carried**

ITEM #4 A report and recommendation on a proposed zone change at 5012 River Road from the existing Manufacturing General (MG) District to a Manufacturing Limited (ML) District in the neighborhood of Riverside.

Stephen C. Briggs, Senior City Planner presented this item.

GENERAL INFORMATION

Ground Lessee: College of Mount St. Joseph
5701 Delhi Pike
Cincinnati, Ohio 45233

Current Owner: Kinder Morgan Operating L.P. "C"
8500 West 68th Street
Argo, Illinois 60501-0409

Agent: Kyle R. Grubbs
Frost Brown Todd LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182

The owner has requested a rezoning of the property at 5012 River Road from the existing Manufacturing General (MG) District to a Manufacturing Limited (ML) District to allow the property to be used as a recreational facility. More specifically, the recreational facility for the property would be a new softball field for the College of Mount St. Joseph, at which practices and games will be held. The subject property abuts the College's existing athletic practice facility to the west at 5092 River Road.

STAFF CONFERENCE

The Department of Community Development and Planning staff held a conference on this request on Monday June 27, 2005.

FINDINGS

The property is approximately 1.8 acres in size and unimproved. This property is located below a steeply sloped hillside. The College of Mount St. Joseph stated a need to expand its recreational uses to satisfy a growing and improving educational institution. A new softball practice and play field is proposed to be constructed. The abutting property is zoned Institutional-Residential (IR) and owned by the College. The Department of Community Development and Planning staff suggested that an IR zone district would represent a logical extension of the College's use for this property. However, the property owner Kinder Morgan Operating L.P. "C" desired to maintain a manufacturing designation for consistency with its other property in the area and for marketing purposes. The owner proposes to lease the subject property to the College for an initial twenty-five years with the right of first refusal should the property owner receive another offer to purchase the property. The proposed zone change from Manufacturing General (MG) to Manufacturing Limited (ML) would provide the owner with a manufacturing designation for the property, albeit, uses permitted have a lesser impact and intensity than a Manufacturing General district. The marketing of the property for potential resale would offer a site for manufacturing use. The ML designation permits parks and recreational facilities. The owner and College agreed to this compromise as a means of meeting the needs of both parties. The College

agreed that lighting for the field use during evening hours would be shielded away from adjacent residential property.

COMMUNITY RESPONSE:

- The Riverside Civic and Welfare Club is the community council for this area and was notified of the proposed change in zoning. The community council DID not respond.

PLANS:

- Riverside Strategic Community Plan, March 1, 2002, states in its Goals and Objectives (page 10), “enhance and preserve green space and recreation areas”. More specifically the objectives are to enhance current recreational areas, create opportunities for additional recreational activities and preserve some hillside green space.

ZONING CODE REVIEW:

The Manufacturing General (MG) District and the proposed Manufacturing Limited (ML) District permit generally similar uses with the following exceptions: In the MG District, a residential use is not permitted except that transitional housing, and correctional institutions are conditional uses; private vehicular storage lots and vehicular repair are permitted; general production industry is permitted whereas production industry with high intensive impact is a conditional use, contractor storage is permitted, and a public utility plant is permitted. In the ML District, park and recreational facilities are permitted, as are community service facilities.

CONCLUSIONS

1. The planned use of the property for recreational purposes in support of the College of Mount St. Joseph is in compliance with the Riverside Strategic Community Plan.
2. The Proposed Manufacturing Limited (ML) designation will permit the property owner to maintain a manufacturing designation for its land holdings for marketing purposes, and provides an abutting property owner, the College of Mount St. Joseph, with needed expansion of its recreational facilities.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommended that the City Planning Commission approve a change in zoning at 5012 River Road from Manufacturing General (MG) District to Manufacturing Limited (ML).

DISCUSSION

Ms. McCray commented that the change from a MG District to a ML District looks like a spot zone. Staff stated that it is really a continuation of a manufacturing zone. The property owner does not want to give up the manufacturing designation for the future sale of the property. Mr. Briggs pointed out that MG is for manufacturing only and ML includes commercial uses. The plans for the use would be a softball field for Mount Saint Joseph College.

Motion:	Ms. McCray moved approval of staff recommendation.
Second:	Ms. Hankner
Ayes:	Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

ITEM #5 A report and recommendation on a zone change request for property on Oregon Street from OG to RM 0.7 in Mt. Adams.

Jennifer Walker, City Planner presented this item.

GENERAL INFORMATION:

Owners/Petitioners:

Manoj Desai
Avista Developers LLC
380 Oregon Street, Ste 204
Cincinnati, OH 45202

Joseph Rippe
Rookwood/ Highland Tower Investments LLC
1071 Celestial Street
Cincinnati, OH 45202

PURPOSE:

To allow for the construction of residential units on portions of the north side of Oregon Street

BACKGROUND

Avista Developers LLC acquired parcels zoned RM 0.7 (Residential Multi-Family) on the north side of Oregon Street. Avista cleared the site (which included the demolition of three unstable buildings) to develop 12 attached single-family homes. The proposed development extends one parcel (or 44 feet) into the existing OG (Office General) zone. Construction has begun on the site and two retaining walls have been constructed to stabilize the hillside in the RM 0.7 and OG zones. Avista Developers LLC is requesting a zone change in order to complete their development plans.

Rookwood/Highland Tower Investments LLC owns adjacent parcels to the east of the Avista development site, which are comprised of undeveloped land. Rookwood/Highland Tower Investments is requesting the rezone from OG to RM 0.7 so that the property may be developed into residential uses in the future. The total area proposed for rezoning is 0.8945 acres.

EXISTING CONDITIONS

With the exception of the parcel owned by Avista Developers, the area to be rezoned is a steep, undeveloped hillside covered by a Hillside Overlay District. Before the new zoning code was adopted the subject properties were zoned R-7, a residential multi-family, high-density district. One of the parcels owned by Rookwood/Highland Tower Investments is irregularly shaped and contains portions of the Rookwood Pottery building that is located further up the hillside. The old R-7 zoning designation split the parcel and Rookwood Pottery was zoned O-1. The new OG designation did not split the parcel and what was once a residential zone was changed to office.

Adjacent Land Use and Zoning:

North: Rookwood Pottery, OG
East: Vacant lots, OG
South: Residential, RM 0.7
West: Residential, RM 0.7

EXISTING PLANS:

The Mt Adams Hillside Urban Design and Renewal Plan (1990) encompasses the subject properties within the Urban Design boundaries and recommends an R-7 zoning designation for the western most half of the area north of Oregon Street closest to Monastery Street. It was recommended that the eastern half of the north portion of Oregon Street be zoned R-6 and targeted for residential development, while much of the R-7 designation be left undeveloped.

The area of the proposed change exists on a steep slope located in a Hillside Overlay District. A large-scale office development of the variety promoted by the OG designation would not be suitable in that location of the Hillside Overlay District. The OG designation was most likely given to those parcels during the writing of the new zoning code because they were under the same ownership as the Rookwood Pottery Restaurant located at the top of the hill, which is appropriately zoned OG. A

residential use of the site would be a much more appropriate use because it would compliment the existing residential character of Oregon Street as well as reflect the previous zoning and zoning recommendations in the Mt. Adams Hillside Urban Design and Renewal Plan (1990). The RM 0.7 designation is comparable to the previous R-7 zoning of the property since both promote high density, multi-family developments. While parking is a serious issue on Oregon Street, a change in land use does not limit parking. It WAS recommended that future developers for the site work with the community to create a design that promotes parking options.

PUBLIC COMMENT

Department of Community Development and Planning staff conducted a conference on this zone change request on June 13, 2005. The petitioners, Manoj Desai and Joe Rippe, were in attendance. City Staff in attendance were Caroline Kellam (Senior City Planner) and Jennifer Walke (City Planner). No other interested parties attended the conference and no testimony was given in opposition of the zone change.

Staff received letters from the Mt Adams Civic Association and an adjacent property owner in support of the zone change. Staff also received letters from two property owners that were opposed to the zone change because development on the north side of the street would worsen already cramped parking conditions. One of the property owners, however, did support the rezoning of the parcel owned by Avista Developers, LLC, but not for the property owned by Rookwood/Highland Tower Investments. The Ohio Department of Transportation also submitted a letter in opposition to development on the hillside, stating that they do not believe the hillside should be developed in any manner that adds weight to the hillside or whose construction procedures might induce movement in the hillside because incremental movements in the slope continue to be observed.

CONCLUSION

1. Residential uses are more appropriate along Oregon Street than office uses.
2. An RM 0.7 zoning designation reflects the previous zoning R-7.
3. An RM 0.7 zoning designation upholds the recommendations in the Mt. Adams Hillside Urban Design and Renewal Plan.

RECOMMENDATION

Staff recommended that the Planning Commission approve the zone change request for the property on Oregon Street owned by Avista Developers LLC and Rookwood/Highland Investments from OG to RM 0.7.

DISCUSSION

Mr. Mooney questioned why the area was not rezoned during the zoning changes. Staff stated that the reason the area was not rezone was because the city did not want to split the lots. The only parcel that has changed ownership since the new zoning code is the parcel that is now owned by Avista Developers and previously owned by Rockwood Highland Investments. Mr. Mooney asked if the new development would include parking on site. Staff stated that the homes would have garages under each unit.

Mr. Brian Moler resident and owner of 409/411 Oregon Street spoke in opposition of changing the zoning. He stated that he and his neighbors do not have the luxury of off street parking. He expressed his neighbors and his concern regarding the affect the zone change may have on the already limited parking on Oregon Street.

Manoj Desai owner of Avista Developers pointed out that his company is developing homes called the Elite on Oregon Street. He said that several single-family homes on Oregon had been changed to rental multifamily homes. Mr. Desai stated that the homes on Oregon Street were old houses and were built back in the days where automobiles did not exist. Mr. Desai felt that the only way parking could be available for everyone is for the property owners on Oregon Street to provide off-street parking on

their own property. He stated that changing the zone from OG to R-7 would bring the street back to what was originally intended.

Mr. Mooney stated that the community plan calls for more residential and is more appropriate for Oregon Street than office use. He said that the new developers are going to provide their own parking and that is moving in the right direction for the community.

Mr. Faux pointed out that leaving zoning in a particular classification specifically to make it impossible to develop for a particular use would expose the City to a lawsuit.

Motion:	Ms. Hankner moved approval of staff recommendation.
Second:	Mr. Mooney
Ayes:	Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

ITEM #6 A report and recommendation to rename Jefferson Avenue in Corryville to Herman Schneider Boulevard from Calhoun Street on the south to Dr. Martin Luther King Drive on the north.

Stephen C. Briggs, Senior City Planner presented this item.

BACKGROUND

The City of Cincinnati Committee of Names, has procedures for processing proposals for the naming or renaming of City Facilities, as empowered by Resolution 16-2003. A request to change the name of Jefferson Avenue to Herman Schneider Boulevard from Calhoun Street on the south to Dr. Martin Luther King Drive on the north was submitted.

The request was received from Darnice R. Langford, Chair of the Government Recognition Task Force of the University of Cincinnati 2006 Cooperative Education Centennial Committee. The University of Cincinnati, in 2006, will be celebrating the one hundredth anniversary of the founding of Cooperative Education.

Herman Schneider was Dean of the College of Engineering at the University of Cincinnati (1906-28) and President of the University (1929-32). Herman Schneider made a unique contribution to higher education, when in 1906; he founded the first program of cooperative education in the United States. Over his years Herman Schneider addressed many industry groups about his plan for co-op education, arbitrated disputes, published widely, and designed co-op programs for other schools, including the New York Public School System.

Jefferson Avenue has been a platted right-of-way since before 1869 between Calhoun Street on the south and the former St. Clair Street (now Dr. Martin Luther King Drive) on the north. The road surface was improved in 1910 to accommodate early automobiles and the road surface widened to 40 feet in 1930 due to increased traffic conditions.

The staff of the Community Development and Planning Department conducted a postcard survey in the spring of 2005. The postcard survey was mailed to all known property owners of record and residents along Jefferson Avenue between Calhoun Street and Dr. Martin Luther King Drive.

176 Surveys mailed

92 Surveys not returned

82 Surveys returned or responded

Of the 82 Surveys returned or responded

38 Surveys were returned as undeliverable	46%
37 Surveys oppose the name change	45%
<u>7 Surveys support the name change</u>	<u>9%</u>
	100%

The Committee of Names recommended to the Director of Community Development and Planning not to change the name Jefferson Avenue.

PROCEDURE

Pursuant to Section III, E of the Committee of Names Procedure for Processing Proposals:

The Director of the Department of Community Development and Planning shall consider the Committee of Names' report and make a recommendation to the City Planning Commission. The Director is not bound by the Committee's recommendation but may include a copy of the Committee's report with the Director's report to the Planning Commission. The City Planning Commission shall consider the Director's recommendation and pursuant to its advisory powers under Article VII Section 9 of the City Charter, make a recommendation to City Council, together with any necessary and appropriate legislation.

RECOMENDATION

The Director of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

"Deny the request to rename Jefferson Avenue in Corryville to Herman Schneider Boulevard from Calhoun Street on the south to Dr. Martin Luther King Drive on the north."

DISCUSSION

Mr. Tom Dubold from the University of Cincinnati pointed out that the university owned a majority of the property on one side of the street. He said that if the Commission was relying on the survey, the survey was not sufficient enough to make a judgment.

Mr. Mooney assured the university representative that the Commission was not relying on the survey. He stated that Jefferson Avenue has always been a major thoroughfare in the City of Cincinnati that people are familiar with.

Ms. Lemmie suggested the university should consider naming a building on campus after Mr. Schneider which could then reflect the involvement of the university.

Motion:	Mr. Mooney motioned approval of staff recommendation.
Second:	Ms. Lemmie
Ayes:	Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

ITEM #7 A report and recommendation to rename Iliff Avenue in West Price Hill to Panther Court from the intersection of Glenway Avenue to the southern terminus of Iliff Avenue

Stephen C. Briggs, Senior City Planner presented this item.

BACKGROUND

The City of Cincinnati Committee of Names, has procedure for processing proposals for the naming or renaming of City Facilities, as empowered by Resolution 16-2003. A request to change the name of

Ilyff Avenue in West Price Hill to Panther Court from the intersection of Glenway Avenue to the southern terminus of Ilyff Avenue was submitted.

The request was received from a resident and property owner of Ilyff Avenue, Cindy Armstrong. A petition was also submitted with six signatures from residents or property owners on Ilyff Avenue.

Community Development and Planning Department staff conducted a post card survey of the residents and property owners in the spring of 2005.

The post card survey results were as follows:

24 surveys were sent,

02 surveys were returned as undeliverable,	8%
08 surveys were not returned,	33%
04 surveys were opposed to the name change,	17%
10 surveys supported the name change.	<u>42%</u>
	100%

There is a historical reference for the Ilyff Avenue name. Charles Edwin Ilyff was a member of a family that settled here in 1815. He started a general contracting business in 1867 and specialized in brick and concrete construction. Charles Ilyff went to Chicago in 1872 and helps rebuild that City following the great fire. His firm erected a number of larger buildings in Cincinnati in the late 1800's. This street was called Second Street until 1874 when it was renamed in Ilyff's honor.

The Committee of Names recommended to the Director of Community Development and Planning to change the name of Ilyff Avenue to Panther Court from the intersection of Glenway Avenue to the southern terminus of Ilyff Avenue.

The Committee of Names considers this a reasonable request. The remainder of Ilyff Avenue from the Glenway Avenue intersection northward will remain so that the historical reference to Charles Edwin Ilyff will not be lost.

Motion:	Ms. Lemmie motioned approval of staff recommendation.
Second:	Ms. Ms. McCray
Ayes:	Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

ITEM #8 A report and recommendation on a Subdivision Improvement Plan for Brodbeck Park Subdivision, Phase II, located on Westwood Northern Boulevard in Westwood.

Felix Bere, Senior Planner presented this item.

A Subdivision Improvement Plan (SIP) for Brodbeck Park Subdivision, Phase II, was submitted by J.T. King & Co., registered engineers, on behalf of Glacid Development, Inc., the owner and developer. The plans were reviewed and approved by all involved agencies.

BACKGROUND

On February 15, 2002 and January 16, 2003, City Planning Commission approved the Subdivision Improvement Plan and the Plat of Subdivision respectively for Phase I of the said subdivision. Phase I is nearing completion with only nine houses yet to be built and the developer plans to begin Phase II as soon as Plan approvals and associated permits are obtained.

The subdivision is located on the north side of Westwood Northern Boulevard about 800 feet east of Ferncroft Drive. Phase II contains 8.4 acres within the SF-4 Single-Family Zone District. The SF-4 District requires a minimum lot size of 4,000 square feet.

SUBDIVISION

The SIP for Phase II will contain 25 lots. There will be 24 lots that will have frontage on a new street known as Deercove Court and an extended Foxcove Court. Both streets end at a cul-de-sac. Lots 27

through 51 are single-family home sites with Lot 52 along the northern section of the subdivision providing a 4.9 acre green space consisting of steeply sloped hillside. The home site lots are generally between 5,000 to 9,600 square feet in size. Phase II will add one sanitary sewer and one storm water easements. The two existing detention basins constructed for Phase I will be used for Phase II.

RECOMMENDATION

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action:

Authorize the development of Brodbeck Park Subdivision, Phase II to proceed for the reasons that the plan conforms to the Subdivision regulations and complies with the requirements of all reviewing agencies.

Motion:	Ms. Ms. McCray motioned approval of staff recommendation.
Second:	Ms. Lemmie
Ayes:	Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays:	None, motion carried

OTHER BUSINESS

ITEM #9 A report and recommendation to authorize a zoning study of the Red Bank Road Corridor from the I-71 ramps to the City border with Fairfax.

Bill Fischer, Mannager of the Business Development Division of the Department of Community Development and Planning presented this item.

In 1995 the City completed the Madisonville Industrial Corridor Urban Renewal Plan (URP) that made recommendations for the improvement along the Red Bank Expressway. In the decade since the plan was completed, the corridor has seen major changes. A great deal of the changes were the result of the plan.

The City began working on two of the four focus areas where redevelopment was most hindered by blighted properties. The Erie Court/Brotherton Court focus area was a mix of multifamily residential property in an industrial zoned area. While the industrial buildings were maintained the residential property suffered from a lack of investment. The City purchased 12 parcels of property, relocated affected residents and demolished the buildings. As a result one business expanded and another new businesses located in the area.

The Corsica Hollow focus area was a 12-acre area of mostly vacant property and buildings with a few residential uses, a body shop and a wood pallet recycler. The City purchased the property, demolished the buildings, raised the site out of the flood plain with engineered fill and sold it for development. The 12-acre site is now the home of the Lutz Tool and Die Company (North American Distributors of Gorilla Glue) and one 40,000 medical office building that is under construction and a second that is planned for next year. The site plan also calls for a sit-down restaurant per the request of the community.

Several other office projects have developed along Red Bank Expressway since the plan implementation began. The Nutone Company has begun consolidating their operation on a smaller portion of their site and may want to sell a portion of it for redevelopment. The Thomson Learning site has been vacant for over two years and may not be zoned for its highest and best use. Other redevelopment opportunities may exist close to the Fairfax corporation line where the former Ford factory is being developed as office/retail.

The URP envisioned a more industrial character because it was completed before the explosive growth of office along the I-71 corridor. Therefore, the Director of the Department of Community

Development and Planning and the City Manager's Economic Development Division, are requesting that the Planning Commission authorize a zoning study of the Red Bank Road Corridor from the I-71 ramps to the City border with Fairfax.

Motion: Mr. Mooney motioned approval of staff recommendation.
Second: Ms. Lemmie
Ayes: Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays: None, **motion carried**

ITEM #10 A report on the merits of rezoning The Banks project properties to a Planned Development (PD) designation.

Steven Briggs, Senior Planner presented this item.

BACKGROUND

At its July 1, 2005 meeting the City Planning Commission requested the Department of Community Development and Planning staff to investigate a potential change in zoning for the under developed portions of the Cincinnati Central Riverfront known as The Banks, from its current Downtown Development (DD) District to a Planned Development (PD) District. The under developed portions of the Cincinnati Central Riverfront, The Banks, are located south of Second Street, west of the Great American Ball Park, north of the Ohio River and east of Paul Brown Stadium. The National Underground Railroad Freedom Center is located in the block bounded by Second Street, Walnut Street, Freedom Way and Vine Street. The remaining land use is either surface parking lots or undeveloped open space.

EXISTING ZONING

The existing zoning is DD District. The use subdistrict is D, Riverfront and this use subdistrict provides for a wide variety of commercial, recreation, hotel, retail, office and housing use in an urban neighborhood along the Riverfront.

In use Subdistrict D, as outlined in Section 1411-11, every new building must have at least 25 percent of its building floor area devoted to residential dwellings. A project is exempt from this requirement, however, when a building has at least 75 percent of its building floor area devoted to parking, museums or sports facilities and is subject to design review and approval by the City Manager pursuant to an agreement between the City and the property owner. Alternatively, a project is exempt from the residential requirement if it is being built in accordance with a site master plan approved pursuant to Section 1411-45 of the Zoning Code.

Section 1411-45 permits Phased Developments with the DD District. Where the owner of a lot or lots in the DD District intends to phase the development by first erecting one building and then enlarging that building or erecting one or more additional buildings or both, the owner must, prior to commencing development of the site, file a site master plan with the Zoning Hearing Examiner. The site master plan must contain information necessary to determine whether the intended development conforms to the requirements of the Zoning code. The Zoning Hearing Examiner approves individual buildings in a project and provides variances, if necessary, based upon the site master plan submitted.

PLANNED DEVELOPMENT (PD) DISTRICT

The PD District regulations, Chapter 1429 of the Cincinnati Zoning Code, allows for significant flexibility in development based upon an initial concept plan approved by the City Planning Commission and City Council in establishing the PD District. Once a PD District is established the City Planning Commission approves the Final Development Plans.

Any use authorized by the Zoning Code may be permitted in any specific PD District. The Concept Plan and Development Program Statement play an important role because the proposed use of the property is delineated in text and diagrams as outlined in Section 1429-09 of the Zoning Code.

Specifically, Section 1429-09(b) states that the applicant must have sufficient control over the tract of land. The owners of The Banks land area are the City Of Cincinnati and the Board of County Commissioners of Hamilton County.

A Final Development Plan must be filed for any portion of an approved Concept Plan and Development Program Statement that an applicant wishes to develop. The final development must conform substantially to the approved Concept Plan and Development Program Statement. Section 1429-13 of the Zoning Code lists the submission requirements for the Final Development Plan including site plans, engineering plans, schematic building plans, landscape plans, phase schedule and ownership control.

The City Planning Commission may approve a final development plan in consideration of the plan's consistency with the PD District regulations, compatibility with surrounding land uses, adequate streets and infrastructure or other factors as outlined in Section 1429-15. Specifically, the City Planning Commission would address building heights and proposed uses.

City Planning Commission's approval of the Final Development Plan must occur prior to the issuance of applicable building permits. After Final Development Plan approval, building permit applications are routed to Department of Community Development and Planning staff as a part of the permit review by Department of Buildings and Inspections for compliance with approved the Final Development Plan.

MASTER PLAN

The Cincinnati Central Riverfront Urban Design Master Plan as the City's planning guide for the Cincinnati Central Riverfront was approved by City Council on October 4, 2000 (Ord. 366-2000). Urban Design Associates prepared the plan from 1996 to its adoption in the 2000. Prior to City Council action, the City Planning Commission approved amendments to the Cincinnati 2000 Plan and provided conceptual approval to the Central Riverfront Plan on March 17, 2000.

The City Planning Commission may consider the adopted Master Plan as the Concept Plan for a PD District. This action is not without precedence. When the current Zoning Code was adopted in January 2004, thirty-seven Planned Development Districts were created. The recognized concept plans for these districts were the existing urban design plans, planned unit development decisions, and transitional zone district guidelines in existence at that time. Final Development Plans, subsequently submitted for projects in these PD Districts have been evaluated and projects approved based upon those recognized concept plans.

URBAN DESIGN REVIEW BOARD

The Urban Design Review Board (UDRB) is advisory to the City Manager and provides review of projects where the City has financial interest or a contractual requirement between the City and a developer. For example Zoning Code Section 1411-11 requires design review to allow a residential exception in the DD District. It is unclear at this time what role the UDRB would play in The Banks. The UDRB reviewed the Great American Ball Park, the Freedom Center, Paul Brown Stadium, and the future Central Riverfront Park plans.

ZONE CHANGE DISCUSSION

The City Planning Commission approved the street grid and lot configuration through its approval of The Banks Subdivision Improvement Plan and Record Plats for Phase One and Two. The Plat of Subdivision for Phase 3 will be submitted for review in the future.

The existing DD District zoning would permit the proposed Banks project. Any necessary variance modifications to the DD regulations, if necessary, would be reviewed by the Zoning Hearing Examiner for individual buildings or based upon a site master plan submitted by the owner as outlined in Section 1411-45 of the Zoning Code. The adopted Cincinnati Central Riverfront Urban Design Master Plan may serve as the concept plan, but this is a City plan for the Riverfront, not necessarily the Hamilton County plan. The City Planning Commission will have the opportunity to review and provide a recommendation to City Council on the lease or sale of air rights. If there were a need to modify the

Master Plan, revisions to the Plan would be shared with the Commission for review and recommendation.

A change in zoning from DD to PD would have to be initiated by either the City or County based on Section 1429-09(b), and if successful, would permit City Planning Commission increased oversight of The Banks. With the Cincinnati Central Riverfront Urban Design Master Plan as the approved Concept Plan and Development Program Statement, the City Planning Commission would review and approve specific uses and building designs prepared by the developers in compliance with the Plan prior to the issuance of building permits.

DISCUSSION

Mr. Mooney had asked if there was a written contract agreement between the City and County indicating that the City would have to require approval from the County to rezone the property for the Banks project. Dottie Carmen pointed out that the County has certain legal rights to the property.

Ms. Lemmie stated that the County has chosen not to honor the existing agreement, but has chosen to propose a new agreement with the City. In addition, the County through conversations with the City has indicated that they are considering an independent body that would handle all of the public reviews required. Ms. Lemmie informed the Commission that the existing contract between the County and the City that may have given away or retained a specific item, no longer is valid. Ms. Lemmie advised the Commission of a July 14, 2005 media release from the County concerning several issues, including a predevelopment agreement. She stated that she would make sure the Commission received a copy of the media release and correspondence from her future meeting with the County.

Mr. Faux pointed out that there were several ways a PD could be initiated and the Planning Commission is one body that can initiate a zone change study. Ms. Carmen pointed out that the owner of a property has to have control in order to request a PD.

Steven Briggs provided information concerning the PD's that were established by the Commission in 2004. At that time, the City initiated 37 Planned Development districts. Mr. Faux pointed out that under the Planned Development process a site plan would have to come before the Commission, not the Zoning Hearing Examiner and if the Commission chose to deny the plan, it would then go to City Council for consideration. He said that establishing a PD on this property would give the City Council a stronger hand in what takes place on the Banks project site. Also, it was pointed out that the County owns a considerable amount of land area, but the City owns the air rights over that land.

Mr. Mooney stated that a DD zoning would allow a different type of development than what has already been adopted in the Urban design Master Plan. It would give developers latitude to change the plans and that could possibly result in an insufficient development for this site. He felt that when the County chose the path that cut out certain developers and chose developers who had not been involved in the customary competitive system, they jeopardized their control over the development. He stated that the City is losing control over this project and the Commission has an obligation to the public under the Charter to take a closer look at a PD designation on this property that would give the Commission and City Council more authority over any proposed development.

Ms. Lemmie asked what would be the time line for a zoning study. Ms. Wuerstle stated that the zone change study would at least take three months. Ms. Lemmie presented the Commission with a predevelopment agreement that was signed by the County and the Community Improvement Corporation representatives David Mane and William Butler on May 13, 2005.

Motion:	Mr. Mooney made a motion directing staff to begin the zone change process.
Second:	Ms. McCray
Ayes:	Mr. Faux, Ms. Hankner, Ms. McCray and Mr. Mooney
Nays:	Ms. Lemmie, motion carried

ADJOURN

Motion: Ms. Hankner motioned to adjourn.
Second: Ms. McCray
Ayes: Mr. Faux, Ms. Hankner, Ms. Lemmie, Ms. McCray and Mr. Mooney
Nays: **None**, motion carried

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____

